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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,735	04/19/1999	KOJI HANAOKA	445-272P	2726

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EXAMINER

GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/284735

Applicant(s)

Hanoaka et al.

Examiner

John Guarriello

Group Art Unit

1771

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on 12/30/2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 20-31 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 20-31 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

15. The Examiner acknowledges paper # 17 the amendment of 12/30/2002.
16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

17. Claims 20, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al. 6,503,136 in view of Win et al. 4,833,003 and Jones et al. 4,725,489.

Rose describes a cleaner and polish article with a substrate (corresponding to the base body of the claimed invention) with at least one surface of the substrate contains abrasive material (corresponding to the abrasive particles of the claimed invention), (see abstract). Rose describes the abrasive component can be about 10% of the surface, (column 3, lines 41-43). Rose describes the abrasive component, which does not scratch the surface to be cleaned, (column 3, lines 19-33) which property, not scratching

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the surface, is what the claimed invention achieves as described in instant specification, page 8, lines 13-14. It is the Examiner's position that Rose inherently meets the pencil hardness limitation since the abrasive of Rose does not scratch the surface. Rose describes the aqueous cleaning emulsion (corresponding to the detergent composition), (see abstract). Rose describes the article contains water, (column 4, lines 55-56). Rose describes silicone as a protectant, corresponding to the protective layer of the claimed invention, (column 6, lines 58-60). Rose differs from the claimed invention because it describes a two step method and is silent about impregnating but the Examiner interprets "incorporation thereon" as corresponding to the impregnation, (column 2, lines 54-58).

Win describes moist abrasive wipes with impregnation of various additives as well as aqueous cleaning solution (corresponding to the claimed detergent), (column 3, lines 8-68; column 4, lines 1-3).

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Jones describes aqueous liquid composition impregnated into a substrate, (corresponding to the claimed invention), (column 3, lines 60-65; column 4, lines 15-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cleaning article of Rose with the impregnated aqueous cleaning solution of Win or liquid of Jones motivated with the expectation that with the detergent or cleaning solution impregnated there would be improvement in cleaning properties as noted by Jones, (column 3, lines 60-68).

Applicant's arguments regarding the previous rejection were considered but with the new grounds of rejection are not considered germane.

18. Claims 21-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Win et al. 4,833,033 in view of Rose 6,503,136 and Wong et al. 5,213,588.

Win describes a moist, a liquid aqueous cleaning solution (corresponding to a detergent), (corresponding to the impregnated detergent

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body) abrasive wipe with an abrasive layer of shotty deposits with a range of size about 40-2000 microns(corresponding to the claimed abrasive particles), (column 3, lines 7-20). Win describes polymer materials for the abrasive particles can be polypropylene, ethylene vinyl acetate, and polyvinyl chloride among others, (column 3, lines 30-38). Win describes the liquid cleaning solution (corresponding to the detergent) is in the wipe in the amount of about 100 to 700 percent, (column 3, lines 54-59). Win describes in all product forms of the article of this invention it can be advantageous to impregnate the product with various additives, (column 3, lines 67-68; column 4, lines 1-3). Win differs from the claimed invention because it is silent about the specific range of hardness of the abrasive particles and the protective layer forming component.

Rose describes a cleaning article applicator as above in paragraph # 17 above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the protective component of silicone of

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Rose in the article of Win motivated with the expectation that the silicone would improve the surface by penetration of the polish thus protection the surface, (column 6, lines 58-60). Regarding the method claims 20 and 28, it would have been obvious to one of ordinary skill in the art at the time the invention was made to clean a substrate with the claimed impregnated article since the steps of **wiping the surface** and **cleaning the dirt off the surface** would be obvious to one of ordinary skill in the cleaning art and require no extraordinary skill and are conventional in the cleaning art. Regarding particle size of the abrasive particles and the amount of detergent, it would have been obvious to one of ordinary skill in this art to optimize the size of the abrasive particles since dirt or soil removal would be improved by the appropriate selection of the size of the particles, see Win column 3, lines 10-13, and the amount of the detergent, see Win column 3, lines 55-59, used in combination with each other.

Regarding the amount of abrasive particles, Win describes this can depend upon the polymer and the degree of texture of the layer, (column 3, lines 44-

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45). Regarding the pencil hardness limitation, it is the Examiner's position that applicant in the instant specification equates this to the property of not scratching the surface of the material to be cleaned, as noted on page 8, lines 13-14. However, Rose would meet this limitation of pencil hardness implicitly, column 3, lines 24-25; lines 31-32, as discussed above in paragraph #17.

Moreover, the Examiner cites Wong because cleaning is improved with abrasivity and this depends upon the shape, size, and particle hardness of the particles see Wong column 6, lines 1-62.

Double Patenting

19. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir.

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1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

20. Claims 21-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,376,046. Although the conflicting claims are not identical,

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they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the detergent impregnated article with the abrasive particles since the claims of '046 encompass the claimed invention with the difference being that '046 is silent about the pencil hardness and amount of abrasive particles used in the impregnated article. However, it would be obvious to one of ordinary skill in this art to optimize the amount of abrasive particles with the appropriate pencil hardness of the particles motivated with the expectation that to achieve improved cleaning power and nonscratching of the surfaces to be cleaned.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


John J. Guarriello:gj

Patent Examiner

March 12, 2003

March 19, 2003


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700